

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

EZEQUIEL PIÑA-CARRILLO,

Petitioner,

v.

BOBBY COMPTON, Warden,

Respondent.

No. C 07-00278 MJJ
(Criminal Case: CR 04-40162 MJJ)

ORDER TO SHOW CAUSE

Petitioner Ezequiel Piña-Carrillo (“Petitioner”) is currently serving a term of one-hundred twenty months at the Lompoc United States Penitentiary. On August 8, 2005 Petitioner pled guilty to one count of Conspiracy to Possess with Intent to Distribute Methamphetamine and Cocaine (21 U.S.C. § 846) and one count of Possession of a Counterfeit Alien Registration Card (18 U.S.C. § 1546(a)). Petitioner has filed a petition for writ of *habeas corpus* pursuant to 28 U.S.C. § 2255.

Petitioner seeks *habeas corpus* relief, claiming that his sentence is unconstitutional for four reasons. First, petitioner claims that he was given too long of a sentence considering his prior criminal record and his claim that he never possessed methamphetamine. Second, petitioner claims that a government informant induced him to sell a larger quantity of drugs which carried a greater criminal penalty. Third, petitioner claims that there was no indication concerning the conspiracy count that he was a “leader or worse type offender”. Finally, petitioner claims that he received ineffective assistance of counsel. Under this claim he notes that he required a translator to

1 understand what it meant to waive his right to appeal. He argues that he was not informed that the
2 plea depicted him as the leader of a conspiracy, and that his attorney did not inform him that he was
3 taking responsibility for possessing any methamphetamine.

4 For the foregoing reasons and for good cause shown, the Court hereby issues the following
5 Order to Show Cause.¹ It is hereby **ORDERED** that:

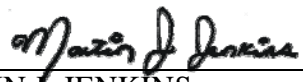
6 1. The Clerk of the Court shall serve by certified mail a copy of this Order and the
7 petition and all attachments thereto upon respondent and upon respondent's attorney, the United
8 States Attorney. The Clerk shall also serve a copy of this Order on petitioner. The Clerk shall
9 promptly enter the proofs of service in the files for both Case No. C 07-00278 MJJ, and the
10 underlying criminal case Case No. CR 04-40162 MJJ.

11 2. Respondent shall file and serve within sixty (60) days of the issuance of this order, an
12 answer conforming in all respects with Rule 5 of the Rules Governing Habeas Corpus Cases Under
13 Section 2255, showing cause why a writ of *habeas corpus* should not issue.

14 3. If petitioner wishes to respond to the answer, he shall do so by filing and serving a
15 traverse within thirty (30) days of his receipt of the answer.

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17 **IT IS SO ORDERED.**
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21 Dated: October 5, 2007



MARTIN J. JENKINS
UNITED STATES DISTRICT JUDGE

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27 ¹ The Court previously entered an Order to Show Cause in Case No. C 07-00278 MJJ. However, the Court is unable
28 to confirm to its satisfaction that the earlier Order to Show Cause was served upon Respondent and Respondent's attorney
in the manner previously ordered by the Court. Accordingly, the Court issues this further Order to Show Cause.

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

EZEQUIEL PINA-CARRILLO,

Plaintiff,

v.

USA et al,

Defendant.

Case Number: CV07-00278 MJJ

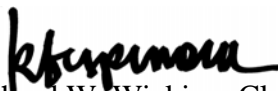
CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on October 5, 2007, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Ezequiel Pina-Carillo
United State Penitentiary-Lompoc
Prisoner Id 15373-097
3901 Klein Blvd
Lompoc, CA 93436

Dated: October 5, 2007


Richard W. Wieking, Clerk
By: R.B. Espinosa, Deputy Clerk